



CITY COUNCIL AGENDA

JUNE 9, 2009

AMENDED AGENDA

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO, VICE MAYOR
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanJoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanJoseca.gov for the final document.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

- * 9:00 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#) [See RDA Agenda](#)
- 1:30 p.m. - Regular Session, Council Chambers, City Hall
- 3:30 p.m. - Hear Open Forum (no earlier than 3:30 p.m.)

- **Invocation (District 6)**

Temple Emanu-El performing a song called, “Lu Ye’hi, May It Come To Be”

- **Pledge of Allegiance**

- **Orders of the Day**

- * Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to San José State University Provost Carmen Sigler for her 22-years of service to San José State University and in recognition of her leadership in advancing University-City initiatives. (Economic Development)
- 1.2 Presentation of an proclamation declaring June 27th & 28th as R.A.C.E.S. FIELD DAY in the City of San José. (Emergency Services)
- 1.3 Presentation of a proclamation declaring June 12, 2009 as “Filipino Independence Day” in the City of San José. (Chu)
- 1.4 Presentation of commendations to recipients of the REACH scholarship for their excellence in academics and sports. (Campos)
(Rules Committee referral 5/27/09)
- 1.5 Presentation of a commendation to the San José Woman’s Club for their more than 100 years of civic, cultural and social leadership. (Liccardo)
(Rules Committee referral 5/27/09)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**
- 2.3 **Mayor and Council Excused Absence Requests.**
- 2.4 **[Actions relating to the Downtown Business Improvement District Appropriation.](#)**

* **Recommendation:** Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Business Improvement District Fund for 2008-2009:
(a) Increase the appropriation to the Finance Department for the Downtown Business Improvement District in the amount of \$152,000; and
(b) Decrease the appropriation for the Ending Fund Balance Unrestricted - Downtown in the amount of \$152,000.
CEQA: Exempt, File No. PP08-048. Council District 3. SNI: St. James Square; University; Josefa/Auzerais; Burbank/DelMonte. (Economic Development/City Manager’s Office)

2. CONSENT CALENDAR

2.5 [Open Purchase Orders Report #7.](#)

Recommendation: Approve the award of open purchase orders for supplies, materials, equipment and services for FY 2008-2009 #7 and authorize the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

2.6 [Annual Review and Update of the City's Investment Policy.](#)

[Attachment – Memo from Mayor Reed and Councilmembers Liccardo and Nguyen](#)
[Attachment – Investment Policy](#)

Recommendation: Adopt a [resolution](#) approving the annual certification of the City of San José Investment Policy, including certain revisions:

- (a) Updating job titles of the City Investment Officials;
- (b) Adding language in the authorized investments section to clarify certain restrictions and limitations are “at time of purchase”;
- (c) Updating of the List of the Primary Government Securities Dealers; and
- (d) Making other clarifying changes thereto.

CEQA: Not a Project. (Finance)

(Rescheduled from 6/2/09 – Item 2.11)

2.7 **East Foothills Community Wildfire Protection Plan.**

Recommendation: Adopt a resolution supporting the goals of the East Foothills Community Wildfire Protection Plan for the area east of San José developed by the Santa Clara County FireSafe Council and authorizing the Mayor and the Fire Chief to sign the mutual agreement page of the plan. CEQA: Not a Project. (Fire)

* **RECOMMEND DEFERRAL TO 8/4/09 PER ADMINISTRATION**

2.8 [Public Service and Wire Clearance Easements on Mylinda Drive.](#)

Recommendation: Adopt a [resolution](#) summarily vacating a 10-foot Public Service Easement and a 5-foot Wire Clearance Easement lying in the northerly and southerly boundaries of Lot 164, Tract 3451, APN 595-19-158, on Mylinda Drive. CEQA: Not a Project. Council District 4. (Public Works)

2.9 [Fire Station No. 13 Apparatus Bay Modifications Project.](#)

Recommendation: Approve an increase in the construction contingency authority of the Public Works Director for the Fire Station No.13, Apparatus Bay Modifications Project, in the amount of \$7,500, increasing the total contingency allocation from the project budget from \$13,116 to \$20,616. CEQA: Exempt, File No. PP08-065, 2008. (Public Works)

2. CONSENT CALENDAR

2.10 Lease for Office Space at 1302 N. Fourth Street.

Recommendation: Approve a five-year lease with Smith Family Trust for the use of approximately 20,480 square feet of office space located at 1302 N. Fourth Street in San José, at an initial rate of \$37,888 per month for the first year of the lease increasing to \$41,984 per month in the final year of the lease. CEQA: Not a Project. Council District 3. (Public Works)

2.11 Residential Street Surface Sealing 2009.

Recommendation: Report on bids and award of contract for the Residential Slurry Seal 2009 project to the low bidder, Bond Blacktop, Inc. in the amount of \$1,507,436.50 and approval of a five percent (5%) contingency in the amount of \$75,372. CEQA: Exempt, File No. PP09-101. Council Districts 1, 2, 3, 4, 5, 6, 9 and 10. (Transportation)

2.12 Fiscal Actions for Redevelopment Agency's Capital Projects.

Recommendation:

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:
- (1) Increase the estimate for Earned Revenue by \$2,965,991;
 - (2) Increase the appropriation to the Department of Transportation for the Downtown Seasonal Banners Project (PSM 529 Amendment #1) in the amount of \$80,000;
CEQA: Resolution No. 72767 and addenda thereto, File No. PP09-055. (Transportation/City Manager's Office)
 - (3) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Watson Park Remediation and Phase I Improvements project (PSM 567) in the amount of \$2,000,000;
CEQA: Mitigated Negative Declaration, File No. PP07-130, September 2008. (Parks, Recreation and Neighborhood Services/City Manager's Office)
 - (4) Establish an appropriation to the Department of Public Works for the Utility Undergrounding Program (PSM 575) in the amount of \$100,000;
CEQA: Not a Project. (Public Works/City Manager's Office)
 - (5) Establish an appropriation to the Department of Housing for the Washington Housing Rehabilitation Project (PSM 578) in the amount of \$200,000;
CEQA: Not a Project. (Housing/City Manager's Office)
 - (6) Establish an appropriation to the Department of Transportation for the North San José Streetlight Conversion to LED project (PSM 577) in the amount of \$200,000;
CEQA: Exempt, File No. PP09-094. (Transportation/City Manager's Office)

(Item continued on the next page)

2. CONSENT CALENDAR

2.12 Fiscal Actions for Redevelopment Agency's Capital Projects. (Cont'd.)

Recommendation:

- (a) (7) Establish an appropriation to the Department of Public Works for the San José Convention Center Roof Replacement project (PSM 580) in the amount of \$90,000;
CEQA: Not a Project. (Public Works/City Manager's Office)
- * **RECOMMEND DEFERRAL TO 6/23/09 REDEVELOPMENT AGENCY AGENDA PER ADMINISTRATION**
- (8) Establish an appropriation to the Office of Economic Development for the Imwalle Story and King Development – Public Art Project (PSM 581) in the amount of \$29,000;
CEQA: Exempt, File No. PP05-184. (Economic Development/City Manager's Office)
- (9) Establish an appropriation to the Housing Department for the Neighborhood Housing Services Silicon Valley (PSM #583) in the amount of \$250,000;
CEQA: Not a Project. (Housing/City Manager's Office)
- (10) Increase the appropriation to the Department of Planning, Building, and Code Enforcement for the California Environmental Quality Act (CEQA) Clearance (PSM 365 Amendment #5) in the amount of \$16,991.
CEQA: Not a Project. (Planning, Building and Code Enforcement/City Manager's Office)
- (b) Adopt resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
- (1) The Watson Park Remediation and Phase I Improvements project as more specifically described in the memorandum from the Redevelopment Agency, dated March 17, 2009. [Resolution](#)
 - (2) The North San José Streetlight Conversion to LED as more specifically described in the memorandum from the Redevelopment Agency, dated April 3, 2009. [Resolution](#)
 - (3) The Utility Undergrounding Program as more specifically described in the memorandum from the Redevelopment Agency, dated March 3, 2009. [Resolution](#)
 - (4) The Imwalle Story and King Development – Public Art Project as more specifically described in the memorandum from the Redevelopment Agency, dated April 20, 2009. [Resolution](#)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – May 20, 2009

Mayor Reed, Chair

- (1) Call to Order
- (2) Review of Agenda
- (3) City Council (City Clerk)
 - (1) Review May 26, 2009 Final Agenda
None – Meeting Cancelled
 - (2) Review June 2, 2009 Draft Agenda
 - (a) Add new items to Draft Agenda
 - (b) Assign “Time Certain” to Agenda items if needed
 - (c) Review of items that meet Exception Rule if needed
- (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (5) Review of upcoming Study Session Agendas
- (6) Legislative Update
 - (1) State
 - (a) Support for AB 410 (De La Torre), Recycled Water.
(Environmental Services)
HEARD BY COUNCIL 6/2/09 – ITEM 3.8
 - (b) Sacramento Update (verbal report). (City Manager’s Office)
 - (2) Federal
- (7) Meeting Schedules
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committee
 - (1) Commission Appointments to the Early Care and Education Commission and Historic Landmarks Commission. (Chirco)
 - (2) Commission Re-appointments to the Arts Commission. (Liccardo)
 - (3) Commission Appointments to the Airport Commission, Human rights Commission and Mobilehome Advisory Commission. (Chu)
 - (4) Commission Appointments to the Library Commission. (Oliverio)
- (10) Rules Committee Reviews, Recommendations and Approvals
 - (1) Council Resolution for BART. (Chu)
 - (2) Resolution to Waive Park Cancellation Fees for this Season. (Liccardo)
- (11) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
- (12) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update
- (13) Open Forum
- (14) Adjournment

* **RECOMMEND DEFERRAL TO 6/16/09 PER CITY CLERK**

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules and Open Government Committee – May 27, 2009

Mayor Reed, Chair

- (1) Call to Order
- (2) Review of Agenda
- (3) City Council (City Clerk)
 - (1) Review June 2, 2009 Final Agenda
 - (a) Add new items to Final Agenda
 - (1) FY 2009-2010 Compensation and Benefits for Management employees in Unit 99. (Constant/Liccardo)
DROPPED
 - (b) Assign “Time Certain” to Agenda items if needed
 - (c) Review of items that meet Exception Rule if needed
 - (2) Review June 9, 2009 Draft Agenda
 - (a) Add new items to Draft Agenda
 - (1) Council Discussion on Deferred Infrastructure Maintenance Needs. (Constant)
 - (b) Assign “Time Certain” to Agenda items if needed
 - (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (5) Review of upcoming Study Session Agendas
 - (6) Legislative Update
 - (1) State
 - (a) Oppose AB 761 (Calderon). (Housing)
HEARD BY COUNCIL 6/2/09 – ITEM 3.10
 - (b) Sacramento Update (verbal report). (City Manager’s Office)
 - (2) Federal
 - (7) Meeting Schedules
 - (1) Council Meeting Schedule and Study Session Schedule. (City Manager’s Office)
 - (2) Rules and Open Government Summer Meeting Schedule. (City Clerk)
 - (8) The Public Record
 - (9) Appointments to Boards, Commissions and Committee
 - (1) Commission Appointments. (Chu/Nguyen/Herrera/Pyle)
 - (2) Appointment to the Healthy Neighborhoods Leadership Committee. (City Manager’s Office)
 - (10) Rules Committee Reviews, Recommendations and Approvals
 - (11) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
 - (12) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules and Open Government Committee – May 27, 2009 (Cont'd.)

Mayor Reed, Chair

(13) Open Forum

(14) Adjournment

* **RECOMMEND DEFERRAL TO 6/16/09 PER CITY CLERK**

**3.4 Report of the Public Safety, Finance and Strategic Support Committee
Councilmember Nguyen, Chair – *No Report.***

3.5 [Agreement for Reduced Work Week with the Association of Building, Mechanical and Electrical Inspectors.](#)

Recommendation: Adopt a [resolution](#) approving the terms of an agreement for a Reduced Work Week with the Association of Building, Mechanical and Electrical Inspectors and authorizing the City Manager to execute the agreement with a term of June 28, 2009 to June 27, 2010. CEQA: Not a Project. (City Manager's Office)
[Presentation](#)

3.6 [Terms of City's Final Offer to Operating Engineers, Local No. 3.](#)

[Supplemental – Memo from the Director of Employee Relations](#)

* **Recommendation:**

(a) Adopt a [resolution](#) approving an agreement of the terms of the City's Last, Best, Final Offer, as described in the memorandums dated May 21, 2009 and June 1, 2009, between the City and Operating Engineers, Local No. 3, and authorizing the City Manager to execute the agreement, effective June 28, 2009.

(b) In the alternative, in the absence of an agreement, adopt a [resolution](#) approving the implementation of the terms, as described in the memorandums dated May 21, 2009 and June 1, 2009, for employees represented by Operating Engineers, Local No. 3, effective June 28, 2009.

CEQA: Not a Project. (City Manager's Office)

[Presentation](#)

3.7 [Amendment to Workers' Compensation Services Agreement.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the third amendment to the current agreement with Mitchell International, Inc. (formerly Fair Isaac Corporation) to provide workers' compensation cost containment services, increasing compensation by \$550,000, from \$750,000 to a not to exceed amount of \$1,300,000 for the period July 1, 2008 to June 30, 2009, with three one-year options to renew at an annual contract amount of \$1,300,000 subject to annual appropriation of funds by the City Council. CEQA: Not a Project. (Human Resources)

3. STRATEGIC SUPPORT SERVICES

3.8 Report of the Rules and Open Government Committee – [May 13, 2009](#)

Mayor Reed, Chair

- (1) Call to Order
 - (2) Review of Agenda
 - (3) City Council (City Clerk)
 - (1) Review May 19, 2009 Final Agenda
 - (a) Add new items to Final Agenda
 - (b) Assign “Time Certain” to Agenda items if needed
 - (c) Review of items that meet Exception Rule if needed
 - (2) Review May 26, 2009 Draft Agenda
None – Meeting Cancelled
 - (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (5) Review of upcoming Study Session Agendas
 - (6) Legislative Update
 - (1) State
 - (1) AB 1192 (Strickland) Cities: Powers. (Finance)
HEARD BY COUNCIL 5/19/09 – ITEM 3.5
 - (2) Federal
 - (7) Meeting Schedules
 - (8) The Public Record
 - (9) Appointments to Boards, Commissions and Committee
 - (10) Rules Committee Reviews, Recommendations and Approvals
 - (1) Monthly Report of Activities for April 2009. (City Auditor)
 - (11) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
 - (12) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force Phase II Mayor Public Policy Proposals.
(Mayor)
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update
 - (13) Open Forum
 - (14) Adjournment
- * (Deferred from 6/2/09 – Item 3.4)

3.9 [Council Salary Setting Commission Recommendations.](#)

[Attachment – Memo from Councilmembers Constant and Liccardo](#)

[Attachment – Letter from the Council Salary Setting Commission](#)

Recommendation: As recommended by the Council Salary Setting Commission, approve an [ordinance](#) setting the salaries and benefits of the Mayor and City Council for Fiscal Year (FY) 2009 - 2010 and FY 2010 - 2011 as follows:

- (a) For the Mayor, maintain the annual salary at the current level of \$127,000 for FY 2009 - 2010 and FY 2010 - 2011, respectively.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.9 Council Salary Setting Commission Recommendations. (Cont'd.)

Recommendation:

- (b) For each Councilmember, maintain the annual salary at the current level of \$90,000 for FY 2009 - 2010 and FY 2010 - 2011, respectively.
- (c) Retain the levels of health, dental, life insurance and other benefits through FY 2010 - 2011 in accordance with the benefits provided to management employees in Unit 99 and salary continuation insurance benefits as well as the City's contributions to CalPERS or PTC 457 plans through FY 2010 - 2011.
- (d) Continue to require Councilmembers to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.
- (e) Maintain a monthly vehicle allowance of up to \$600 for the Mayor and City Council through June 30, 2011.

(City Clerk/City Attorney)

* (Continued from 6/2/09 – Item 3.6)

3.10 Happy Hollow Park & Zoo – Zoo and Attractions Substitution of Subcontractor.

Recommendation: Conduct an ADMINISTRATIVE HEARING to consider the request of West Bay Builders, Inc., the general contractor on the Happy Hollow Park & Zoo – Zoo and Attractions project, to substitute Jensen Corporation for Green Growth Industries, Inc., the listed subcontractor for the landscape, irrigation and green roof work. CEQA: Mitigated Negative Declaration, File No. PP05-142, dated April 2007. (Public Works)

* [Rules Committee referral 6/3/09 – Item 3.1(a)]

* **RECOMMEND DEFERRAL TO 6/16/09 PER ADMINISTRATION**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – May 26, 2009 Councilmember Pyle, Chair

- (1) Call to Order and Roll Call
- (2) Review of Workplan
 - (1) San José Incubator Program Update. (Redevelopment Agency)
 - (2) General Plan Update Status Report. (Planning, Building and Code Enforcement)
 - (3) Discussion regarding the Exemption from PDO/Parkland Fees for Affordable Housing. (Housing)
 - (4) Informational Report on the Creative Entrepreneur Project. (Economic Development)
 - (5) Sign Code Update. (Planning, Building and Code Enforcement)
 - (6) Mexican Heritage Plaza Update. (General Service)

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – May 26, 2009 Councilmember Pyle, Chair (Cont'd.)

- (3) Report to Committee
 - (1) Consent Calendar
 - (2) Air Service Development and International Strategy. (Airport)
 - (3) Review of the City's Dispersion Policy Relating to the Placement of Affordable Housing. (Housing)
 - (4) Quarterly Update of Development Process. (Planning, Building and Code Enforcement/Public Works/Fire)
- (4) Open Forum
- (5) Adjournment

4.2 [North San José Area Development Policy.](#) [Attachment – Memo from Director of PBCE Part 1](#) [Part 2](#)

* **Recommendation:**

- (a) Adopt a [resolution](#) amending the North San José Area Development Policy to:
 - (1) Add capacity within the Policy to allow for up to one million square feet of large scale regional commercial uses and up to 2,000 hotel rooms outside the Core Area, and to decrease the capacity for new industrial uses by two million square feet;
 - (2) Facilitate the delivery of affordable residential units within North San José consistent with City goals for affordable housing;
 - (3) Other numerous clarifying changes to facilitate implementation of the Policy; and
 - (4) Allow the Director of Planning the discretion to grant permit time extensions.
- (b) Accept Revised North San José Area Traffic Impact Fee Study dated May 2009 and approve an [ordinance](#) amending the North San José Area Traffic Impact Fee.
- (c) Accept the North San José Neighborhoods Plan.

CEQA: Resolution No. 72768, Addendum to the North San José Policy Update EIR.
Council Districts 3 and 4. (Planning, Building and Code Enforcement)
[Referred from 5/19/09 – Item 11.1(a)]

* **RECOMMEND DEFERRAL TO 6/16/09 IN THE EVENING PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Councilmember Campos, Chair – *No Report.*

5. NEIGHBORHOOD SERVICES

5.2 [PRNS Department Volunteer Policy.](#)

[Supplemental – Memo from the Director of PRNS](#)

Recommendation: As recommended by the Neighborhood Services and Education Committee on May 14, 2009, adopt a [resolution](#) approving revision to Council Policy 3-1, the Parks, Recreation and Neighborhood Services Volunteer Policy. (Parks, Recreation and Neighborhood Services)

(Neighborhood Services and Education referral 5/14/09 – Item 3.3)

* (Deferred from 6/2/09 – Item 5.4)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Councilmember Liccardo, Chair – *No Report.*

6.2 [Grant for Julian/St. James Couplet Conversion Project.](#)

Recommendation: Approve the Funding [Agreement](#) with Santa Clara Valley Transportation Authority in the amount of \$5,076,000 for the construction of the Julian/St. James Couplet Conversion Project. CEQA: Negative Declaration and addenda thereto, File Nos. PP02-05-115 and PP08-126. Council District 3. SNI: 13th Street. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Purchase of Real Property and Easement for relocation of Fire Station 21.](#)

[Attachment – Memo from Councilmember Herrera](#)

* **Recommendation:**

- (a) Approve an [Agreement](#) for Purchase of Real Property and Easement with HawkStone White LLC, in the purchase amount of \$951,184, for fee title in the amount of \$845,064, \$87,120 for an easement for street purposes, and \$19,000 in closing costs, for the relocation of Fire Station 21 on White Road north of the intersection with Tully Road, San José, CA 95148, portions of parcels 649-24-016 and 649-24-017.
- (b) Adopt a [resolution](#) authorizing the Director of Public Works to accept the deeds and execute all documents related to the transaction.

(Item continued on the next page)

8. PUBLIC SAFETY SERVICES

8.1 Purchase of Real Property and Easement for relocation of Fire Station 21. (Cont'd.)

Recommendation:

- (c) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes (392):
- (1) Establish an appropriation to the Fire Department for Land Acquisition – Fire Station in the amount of \$300,000; and
 - (2) Decrease the Fire Station 21 – Relocation (White Road) appropriation by \$300,000.
- (d) Adopt the following Appropriation Ordinance amendments in the Neighborhood Security Bond Fund (475):
- (1) Increase the Land Acquisition – Fire Station appropriation by \$352,000; and
 - (2) Decrease the Fire Training Center appropriation by \$352,000.

CEQA: [EIR Resolution to be adopted](#) and Addendum thereto (File No. PP08-184).
Council District 8. (Public Works/City Manager's Office)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 "Approval of an amendment to the DDA with 360 Residences LLC for development of Agency-owned land at 351-369 South First Street/360-396 South Market Street" and 8.2 "Approval of Findings for the demolition of vacant City-owned buildings" on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.
- Continue RDA Board Meeting
- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.